

Kansas Register

Ron Thornburgh, Secretary of State

Vol. 16, No. 33 August 14, 1997 Pages 1305-1344

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State Banking Department

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 9 a.m. Monday, October 20, in the conference room of the Office of the State Bank Commissioner, Suite 300, 700 S.W. Jackson, Topeka, to consider the adoption of proposed changes to Kansas Administrative Regulation 17-22-1, application fees. This regulation is proposed for adoption on a permanent basis.

K.A.R. 17-22-1 establishes fees to be paid to the Office of the State Bank Commissioner (OSBC) in connection with applications filed with the OSBC to engage in various activities. Besides setting the fees for bank and trust company applications, the regulation also includes a fee for requests for letters of good standing and for revenue bond approvals. Letters of good standing may be requested by any person or entity. Revenue bond approval requests generally come from municipalities or counties. All proposed amendments constitute reductions in current application fees. These reductions in all cases should result in cost savings to the applicants and will have a minimal economic impact on the OSBC. Application fees collected by the OSBC in fiscal year 1996 represented ap-

proximately 3.4 percent of the department's total income for that year.

This 60-day notice of hearing shall constitute a public comment period for the purpose of receiving public comments on the proposed regulation. Written comments should be submitted prior to the hearing to W. Newton Male, State Bank Commissioner, at the address listed below. Interested persons will be given reasonable opportunity at the hearing to present their views and arguments on the adoption of the proposed regulation; however, presentations should be in writing whenever possible.

A copy of the proposed regulation and the economic impact statement may be obtained by contacting Amy Johnson, Office of the State Bank Commissioner, 700 S.W. Jackson, Suite 300, Topeka, 66603, (785) 296-2266. The standard departmental cost will be assessed for any copies requested.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days before the hearing by contacting Amy Johnson.

W. Newton Male State Bank Commissioner

Doc. No. 019507

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Register Office: Room 233-N, State Capitol (913) 296-3489 Fax (913) 291-3051

Secretary of State

Executive Appointments

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. The following appointments, which are effective immediately unless otherwise specified, were recently filed with the Secretary of State:

Abstracters' Board of Examiners

S. Lee Stutzman, Charlson and Wilson Bonded Abstracters, 111 N. 4th, Manhattan, 66502. Term expires June 30, 2000. Succeeds William Malone.

Advisory Commission on African-American Affairs

John H. Washington, 1201 Parkwood St., Garden City, 67846. Appointed by the Speaker of the House.

State Board of Healing Arts

Donald B. Bletz, M.D., 15125 Melrose Drive, Overland Park, 66221. Term expires June 30, 2001. Reappointment.

Hai Kim Huynh-Truong, D.O., 2552 N. Foxrun Court, Wichita, 67226. Term expires June 30, 2001. Succeeds John White.

Jana Dell Jones, M.D., F.A.C.P., 24964 W. 160th Court, Leavenworth, 66048. Term expires June 30, 2001. Succeeds Edward Fitzgerald.

State Board of Nursing

Katharine F. Clark, CRNA, MS, 8930 Peppertree Circle, Wichita, 67226. Term expires June 30, 2001. Succeeds Arneatha Martin.

Jane Anne Conroy, 2614 Apple Drive, Emporia, 66801. Term expires June 30, 2001. Succeeds Carol Maynard.

Carol Maynard, 702 E. Peoria, Paola, 66071. Term expires June 30, 1998. Succeeds James McClinton, resigned.

Anna M. Pechanec, LPN, 1336 Grand, Hays, 67601. Term expires June 30, 2001. Succeeds Dorothy Zook.

Kansas Wheat Commission

Ed M. Banning, 2703 Shamus, Garden City, 67846. Term expires June 30, 2001. Succeeds Linda Hessman:

Ken R. Palmgren, 2835 Road 64, Edson, 67733. Term expires June 30, 2001. Succeeds Wayne Hagerman.

Craig Stephenson, 5668 S. Kipp Road, Gypsum, 67448. Term expires June 30, 2001. Succeeds Jack Staatz.

Workforce Investment Partnership Council

Dave Foster, 3304 W. 71st, Prairie Village, 66208. Serves at the pleasure of the Governor. Succeeds Arthur Waugh.

David P. Thomas, 12628 Juniper Circle, Leawood, 66209. Serves at the pleasure of the Governor. Succeeds David Alexander.

Secretary of State

Ron Thornburgh

State of Kansas

Advisory Committee on Children and Families

Notice of Meeting

The Governor's Advisory Committee on Children and Families will meet at 10 a.m. Tuesday, August 19, in the SRS board room, sixth floor, Docking State Office Building, 915 S.W. Harrison, Topeka. For more information, contact Hope Burns at (913) 296-3969.

> John Zutavern Chair

Doc. No. 019501

State of Kansas

Department of Transportation

Notice of Public Auction

The Kansas Secretary of Transportation will offer for sale at public auction at site at 11 a.m. September 17 the following building and land located in Sedgwick County, Kansas, described as follows:

A 2-story commercial building with 2,160 sq. ft. of ground floor area and upper floor containing 1,008 sq. ft. located at 11023 W. 39th South in Schulte, Kansas (southeast corner of K-42 Highway and old MacArthur Road). The legal description of the property is Lot 1 Coleman Addition. (A complete legal description is available upon request.)

An inspection of property will be September 10 from 9 a.m. to noon and 30 minutes prior to the sale.

The Kansas Department of Transportation ensures the acceptance of any bid pursuant to this notice will be without discrimination on the grounds of sex, race, color, religion, physical handicap or national origin.

Terms of the Sale

Certified or cashier's check for 10 percent of the purchase price the day of the sale. The balance of the purchase price will be paid by certified or cashier's check on or before October 17, 1997. Make check(s) payable to "Kansas Department of Transportation." The successful bidder will receive a bill of sale on the day of sale and a quitclaim deed when the balance is paid. If the balance of the purchase price is not paid on or before said date, the 10 percent down payment will be forfeited to the seller. The appraised value is \$73,500 and the minimum acceptable bid is two-thirds of appraised value.

The seller reserves the right to reject any and all bids and is not responsible for accidents. For additional information, contact Fred Terry, Bureau of Right of Way, (785) 296-3501.

> E. Dean Carlson Secretary of Transportation

Doc. No. 019530

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of August 18 through August 31:

Date	Room	Time	Committee	Agenda
August 18	313-S	9:00 a.m.	Task Force on Retail Wheeling	Review of consultant's final report.
August 18	531-N	9:30 a.m.	Joint Committee on Computers and Telecommunications	Review of juvenile justice and criminal justice information systems; geographical information system; and onestep coordination.
August 19	eeting cancelle	9:00 a.m.	Joint Committee on Administrative Rules and Regulations Special Committee on	Review rules and regulations filed by State Child Death Review Bd., Dept. on Aging, Bd. of Healing Arts, Credit Union Dept., Dental Board and Bank Commissioner; receive report from Dept. of Revenue on its revision of rules and regulations; and staff report on regulations finally adopted. 19th: Overview of tourism
August 20	526 S	9:00 a.m.	Tourism	issues; Topic No. 1—Update or Land of Oz Proposal and National Association of Stock Car Racing. 20th: Topic No. 2—Funding of Tourism Promotion.
August 20	123-S	10:00 a.m.	Legislative Coordinating Council	Legislative matters.
August 21	514-S	10:00 a.m.	Task Force on Kansas Insurance Industry	Overview of insurance industry and perspective on the industry from insurance members of the task force.
August 21 August 22	123-S 123-S	10:00 a.m. 9:00 a.m.	Legislative Budget Committee	21st: Presentation by Attorney General Carla Stovall on tobacco litigation; FY 1997 year end state general fund reports; status report on lottery, racing and gaming receipts and activities. 22nd: Regents' tuition accountability and graduate teaching assistants' health insurance; status report on disposal of Topeka State
August 21 August 22	313-S 313-S	10:00 a.m. 9:00 a.m.	Special Committee on Education	Hospital property. Topic No. 4—Kansas State High School Activities Association.
August 21 August 22	519-S 519-S	10:00 a.m. 9:00 a.m.	Joint Committee on State Building Construction	Agenda unavailable.
August 25	531-N	10:00 a.m.	Health Care Reform Legislative Oversight Committee	Organization.

Emil Lutz

Director of Legislative Administrative Services

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August 25 August 26	514-S 514-S	10:00 a.m. 9:00 a.m.	Joint Committee on Economic Development	Various presentations on seed/ venture funds in which KTEC holds equity interests.
August 25 August 26	519-S 519-S	10:00 a.m. 9:00 a.m.	Special Committee on Assessment and Taxation	Agenda unavailable.
August 27 August 28	519-S 519-S	10:00 a.m 9:00 a.m.	Joint Committee on Pensions, Investments and Benefits	Agenda unavailable.
August 27 August 28	Wichita Wichita	10:00 a.m. 9:00 a.m.	Joint Committee on Corrections and Juvenile Justice Oversight	Tour juvenile and adult correctional facilities; public hearings—Sentencing Commission, Juvenile Justice Authority, Department of Corrections; masterplan consultants.
August 28 August 29	526-S 526-S	9:00 a.m. 9:00 a.m.	Special Committee on Energy and Natural Resources/Environment	Agenda unavailable.

Doc. No. 019516

State of Kansas

Department of Administration Division of Architectural Services

Notice of Commencement of Negotiations for Architectural and Engineering Services

Notice is hereby given of the commencement of negotiations for "on-call" architectural and engineering services for the State Adjutant General's Office. Two architectural and two engineering firms will be selected. Interested firms should be capable of assisting agency personnel on miscellaneous small architectural and engineering projects for up to three years.

For information regarding the scope of services, contact Col. William Vonderschmidt, Adjutant General's Depart-

ment, (785) 274-1141.

If interested, an original and six copies of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 625 Polk, Topeka, 66603, (785) 233-9367. Submittals not complying with the guidelines will be returned without consideration.

Expressions of interest and the SF 255 submittals should be received by Gary Grimes before 5 p.m. August 29.

Thaine Hoffman, AIA Director, Division of Architectural Services State of Kansas

Department of Administration Division of Architectural Services

Notice of Commencement of Negotiations for Architectural Services

Notice is hereby given of the commencement of negotiations for architectural services for the locking system replacement in B Cellhouse at Lansing Correctional Facility. The project will include replacement of the existing Southern Steel 7100 locking system with a new locking system, and replacement of control panels, wiring, housing covers, gear and motors, etc.; cellfronts shall remain. The estimated project cost is \$1,500,000.

For information regarding the scope of services, contact Mike Gaito, Department of Corrections, (785) 296-5187.

If interested, an original and six copies of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 625 Polk, Topeka, 66603, (785) 233-9367. Submittals not complying with the guidelines will be returned without consideration.

Expressions of interest and the SF 255 submittals should be received by Gary Grimes before 5 p.m. August 29.

Thaine Hoffman, AIA Director, Division of Architectural Services

Doc. No. 019513

University of Kansas Medical Center

Notice to Bidders

Sealed bids for the items listed below will be received by the University of Kansas Medical Center, Purchasing Department, 3901 Rainbow Blvd., Kansas City, KS 66160-7162, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call Peggy Davis at (913) 588-1115 for additional information.

> Thursday, August 28, 1997 728018 Camcorder and editing system

> > Barbara Lockhart **Purchasing Director**

Doc. No. 019529

State of Kansas

State Corporation Commission

Notice of Hearing

The State Corporation Commission has directed that an investigation be instituted and a hearing conducted to determine the reasonable market demand for gas produced from the following fields for the period of October 1, 1997 through March 31, 1998, inclusive; to determine the deliverability and acreage attributable to each of the wells therein; and to fix gas production percentages and quotas for wells within the fields. Evidence will be received for the above purposes and for determining and fixing the allowables for each of the wells in the following fields for the stated proration period:

- Greenwood Gas Field in Morton County
- Hugoton Gas Field in Finney, Grant, Gray, Hamilton, Haskell, Kearny, Morton, Seward, Stanton, Stevens and Wichita counties
- Panoma-Council Grove Gas Field in Finney, Grant, Hamilton, Haskell, Kearny, Morton, Seward, Stanton, Stevens and Wichita counties
- Glick (Mississippi) Gas Pool in Barber, Comanche and Kiowa counties

The hearing will be at 10 a.m. Thursday, September 18, in Room 2078, Finney State Office Building, 130 S. Market, Wichita. All transporters of gas produced from the above fields must furnish to the commission at the hearing their nominations from the fields for the calendar months included in the proration period.

Further information may be obtained by contacting John McCannon or William J. Wix, Assistant General Counsel, State Corporation Commission, Conservation Division, Room 2078, Finney State Office Building, 130 S.

Market, Wichita, 67202, (316) 337-6200.

Judith McConnell Executive Director

Doc. No. 019502

State of Kansas

Kansas State University

Notice to Bidders

Sealed bids for the item listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (785) 532-6214 or fax (785) 532-5577 for additional information.

> Monday, August 25, 1997 #80045

Gas chromatograph system

William H. Sesler Director of Purchasing

Doc. No. 019528

State of Kansas

Department of Administration **Division of Architectural Services**

Notice of Commencement of Negotiations for Architectural Services

Notice is hereby given of the commencement of negotiations for architectural services for the remodeling of the second floor of the existing building at 402 E. 2nd, Wichita, for the Department of Human Resources. Approximately 7,000 square feet of the second floor will be remodeled to accommodate the installation of a telephone call center to process unemployment claims.

The remodeling will include the addition of electrical services to accommodate the telephone and computer equipment, the installation of security equipment to isolate the second floor from public access, and the replacement of lighting. The project may be done in phases due to limited funds. Funds available the first year are approximately \$100,000.

For information regarding the scope of services, contact Linda Hubbard, Department of Human Resources, (785) 296-5073.

If interested, an original and six copies of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 625 Polk, Topeka, 66603, (785) 233-9367. Submittals not complying with the guidelines will be returned without consideration.

Expressions of interest and the SF 255 submittals should be received by Gary Grimes before 5 p.m. August

> Thaine Hoffman, AIA Director, Division of Architectural Services

Department of Administration Division of Architectural Services

Notice of Commencement of Negotiations for Architectural Services

Notice is hereby given of the commencement of negotiations for "on-call" architectural services for the Kansas State Fair, Hutchinson. An individual or firm will be selected to provide services for small projects at the fairgrounds.

For information regarding the scope of services, contact Bob Gottschalk, Kansas State Fair, (316) 669-3600.

If interested, an original and six copies of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 625 Polk, Topeka, 66603, (785) 233-9367. Submittals not complying with the guidelines will be returned without consideration.

Expressions of interest and the SF 255 submittals should be received by Gary Grimes before 5 p.m. August 29.

Thaine Hoffman, AIA Director, Division of Architectural Services

Doc. No. 019508

State of Kansas

Department of Health and Environment

Requests for Comments

The Kansas Department of Health and Environment is soliciting comments regarding issuance of authorizations to operate under the general Class I air quality operating permit for natural gas compressor stations. Authorizations to operate under the general Class I operating permit have been issued in accordance with the provisions of K.A.R. 28-19-400 et seq.

A copy of each permit application, authorization and all supporting nonconfidential documentation is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka. Information also is available at the KDHE district office indicated for each facility. To obtain or review the permit, authorization and supporting documentation, contact Connie Carreno, (785) 296-6422, at the KDHE central office, or the indicated district representative. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding an authorization to Connie Carreno, Bureau of Air and Radiation, KDHE, Building 283, Forbes Field, Topeka, 66620.

A list of all major sources within the state authorized to operate under the terms of the general Class I operating permit will be maintained at the Topeka KDHE offices.

Authorizations issued during the week of July 28, 1997:

Company:

Compressor Station:

Source ID No.:

Location:

KDHE District Rep.:

Rep. Location:

Amoco Production Company

Ulysses West Main Compressor Station 0670032

S28, T28S, R38W, Grant County Wayne Neese, (316) 225-3731

Southwest District Office, Dodge City

Amoco Production Company

Ulysses West C Compressor Station 0670024

S9, T27S, R38W, Grant County Wayne Neese, (316) 225-3731

Wayne Neese, (316) 225-3731 Southwest District Office, Dodge City

Amoco Production Company

Ulysses South E Compressor Station 1290009

S8, T32S, R39W, Morton County Wayne Neese, (316) 225-3731 Southwest District Office, Dodge City

Amoco Production Company

Ulysses Sublette Compressor Station 0810012

S2, T29S, R33W, Haskell County Wayne Neese, (316) 225-3731

Southwest District Office, Dodge City

Kansas Industrial Energy Supply

K.I.E.S. Compressor Station 0590022

5757 S.W. 120th, Spivey David Butler, (316) 337-6020

South Central District Office, Wichita

Kansas Pipeline Operating Company Ottawa Compressor Station

0590022

S32, T16S, R20E, Franklin County Pat Simpson, (785) 842-4600 Northeast District Office, Lawrence

Kansas Pipeline Operating Company

Beaumont Compressor Station 0730014

S21, T27S, R9E, Greenwood County Lynn Ranabarger, (316) 431-2390 Southeast District Office, Chanute

> Gary R. Mitchell Secretary of Health and Environment

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 1996 Supp. 75-4210. These rates and their uses are defined in K.S.A. 1996 Supp. 12-1675(b)(c)(d), and K.S.A. 1996 Supp. 75-4201(l) and 75-4209(a)(1)(B).

Effective 8-11-97 through 8-17-97

	COLL 27 GILLOUSII ()-11 <i>-21</i>
Term		Rate
1-89 days		5.42%
3 months		5.48%
6 months		5.61%
9 months		5.73%
12 months		5.81%
18 months		5.94%
24 months		6.00%

William E. Lewis Chairman

Doc. No. 019503

State of Kansas

Department of Health and Environment

Notice of Deadline Extension for Toxic Release Inventory Reports

The Kansas Department of Health and Environment, Bureau of Air and Radiation, Community Right-to-Know Program is extending the compliance deadline for the submittal of toxic release inventory (TRI) reports for calendar year 1996 until September 8, 1997. This action is taken to conform the state deadline with that of the U.S. Environmental Protection Agency, which announced that it will allow facilities required to submit TRI reports for calendar year 1996 until September 8, 1997, to file those reports (see Federal Register, July 24, 1997).

These TRI reports under Section 313 of the Emergency Planning and Community Right-to-Know Act and Section 6607 of the Pollution Prevention Act would otherwise be due on or before July 1, 1997. The Kansas Department of Health and Environment had earlier extended the deadline to August 1, 1997 (see Kansas Register, June 12, 1997) to conform the state deadline with that of the EPA, which extended its deadline to August 1, 1997 (see Federal Register, May 27, 1997). The additional extension is being granted due to continued delays and errors the EPA is experiencing in the distribution of the reporting package, which includes extensive materials and guidance for preparing TRI reports, for the 1996 reporting year. To allow facilities adequate time to prepare and submit complete and accurate TRI reports, especially in electronic format, EPA is allowing facilities extra time in which to report.

The Kansas Department of Health and Environment, Bureau of Air and Radiation, Community Right-to-Know Program also receives the TRI report. This notice embraces the federal time allowance to avoid potential noncompliance resulting solely from the delay in availability of the TRI report package. No other deadlines, requirements, obligations or standards are affected by this notice.

For further information, contact Scott Bangert, Community Right-to-Know Program, Forbes Field, Building 283, J Street and 2 North, Topeka, 66620, (785) 296-1690.

Gary R. Mitchell Secretary of Health and Environment

Doc. No. 019519

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Lucent Technologies has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of volatile organic compounds (VOCs) were evaluated during the permit review process. The purpose of this Class II permit is to limit the potential-to-emit for these pollutants to below K.A.R. 28-19-73 VOC threshold.

Lucent Technologies, New York, New York, owns and operates a telephone equipment manufacturing facility

located at 9501 W. 67th, Merriam, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the Johnson County Environmental Department, 11180 Thompson Ave., Lenexa. To obtain or review the proposed permit and supporting documentation, contact David A. Peter, (785) 296-1615, at the KDHE central office, or Mike Boothe, (913) 492-0402, at the Johnson County Environmental Department. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to David A. Peter, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. Written comments must be received by the close of business September 15 in order to be considered in formulat-

ing a final permit decision.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business September 15 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell Secretary of Health and Environment

Kansas, Inc.

Notice of Meeting

The Kansas, Inc. Board of Directors will meet from 8:30 a.m. to noon Friday, August 22, at the Smoky Hill Country Club, 3303 Hall, Hays. The meeting is open to the public.

Charles R. Warren President

Doc. No. 019500

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Anadarko Gathering Company has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to install compressor engines. Emissions of nitrogen oxides and carbon monoxide were evaluated during the permit review process.

Anadarko Gathering Company, Liberal, owns and operates the stationary source to be located at NW14, Section 22, Township 33 South, Range 40 West, Morton County, at which the compressor engines are to be installed.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during review of the permit application is available for public inspection during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE southwest district office, 302 W. McArtor, Dodge City. To obtain or review the proposed permit and supporting documentation, contact Shawn Howell, (785) 296-1993, at the KDHE central office, or Wayne Neese, (316) 225-0596, at the KDHE southwest district office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Shawn Howell, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. Written comments must be received by the close of business September 15 in order to be considered in formulating a final permit decision.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business September 15 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell Secretary of Health and Environment State of Kansas

State Banking Board

Notice of Meeting

The State Banking Board will meet at 9 a.m. Monday, September 15, in the conference room of the Office of the State Bank Commissioner, Suite 300, Jayhawk Tower, 700 S.W. Jackson, Topeka. The board reviews matters relating to its supervisory authority as set forth in K.S.A. 9-1801 et seq.

W. Newton Male State Bank Commissioner

Doc. No. 019510

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Cargill, Incorporated has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to install a bean cleaner and dryer. Emissions of particulate matter were evaluated during the permit review process.

Cargill, Incorporated owns and operates the stationary source located at 1425 N. Mosley, Wichita, at which the

equipment is to be installed.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during review of the permit application is available for public inspection during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the Wichita-Sedgwick County Department of Community Health, 1900 E. 9th, Wichita. To obtain or review the proposed permit and supporting documentation, contact Shawn Howell, (785) 296-1993, at the KDHE central office, or John Stark, (316) 268-8449, at the Wichita-Sedgwick County Department of Community Health. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Shawn Howell, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. Written comments must be received by the close of business September 15 in order to be considered in formulating a final permit decision.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close

of business September 15 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell Secretary of Health and Environment

Doc. No. 019523

Criminal Justice Coordinating Council

Notice of Meeting

The Kansas Criminal Justice Coordinating Council will conduct a conference call meeting at 9:30 a.m. Friday, August 15, to approve amendments to the CJIS Plan. For further information, contact the commission office at (785) 296-0923.

Barbara S. Tombs Executive Director

Doc. No. 019506

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Anadarko Gathering Company has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to install compressor engines. Emissions of nitrogen oxides and carbon monoxide were evaluated during the permit review process.

Anadarko Gathering Company, Liberal, owns and operates the stationary source to be located at NW1/4, Section 20, Township 33 South, Range 40 West, Morton County, at which the compressor engines are to be installed.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during review of the permit application is available for public inspection during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE southwest district office, 302 W. McArtor, Dodge City. To obtain or review the proposed permit and supporting documentation, contact Shawn Howell, (785) 296-1993, at the KDHE central office, or Wayne Neese, (316) 225-0596, at the KDHE southwest district office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Shawn Howell, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. Written comments must be received by the close of business September 15 in order to be considered in formulat-

ing a final permit decision.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business September 15 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell Secretary of Health and Environment State of Kansas

Department of Health and Environment

Clarification to Notice of Hearing on Proposed Administrative Regulations

The Kansas Department of Health and Environment, Division of Environment, Bureau of Air and Radiation previously published a notice of hearing (June 26 Kansas Register) pertaining to the adoption of new air quality regulations. The notice stated, among other details, that the department will conduct a public hearing at 1 p.m. Tuesday, August 27, in the KDHE main conference room, Building 283, Forbes Field, Topeka, to consider the adoption of new permanent air quality regulations K.A.R. 28-19-721 to 727, and to consider the adoption of a Municipal Solid Waste Landfill Emissions Implementation Plan. These air quality regulations will establish standards for the control of emissions from certain existing municipal solid waste landfills. Subsequent to that notice, KDHE has received comment from the Joint Committee on Administrative Rules and Regulations to provide clarification of the intent of K.A.R. 28-19-722, which would be of assistance to the public and the regulated community. The purpose of this notice is to provide that clarifi-

In the summary of the content of proposed new K.A.R. 28-19-722, an exemption for certain landfills was noted. This summary is being clarified to read as follows (clarifying language is in italics):

K.A.R. 28-19-722 establishes criteria for determining which existing landfills will be affected by the proposed regulations. These criteria include date construction or modifications occurred; whether the landfill has accepted waste since November 8, 1987, or has additional capacity; and whether the landfill has a design capacity greater than or equal to 2.5 million megagrams. In addition, this regulation includes a paragraph stating that landfills that qualify for the small landfill exemption (received less than 20 tons per day, and received certificate of closure from the department before effective date of this regulation) are exempted from the rule. Landfills that qualify for the small landfill exemption based upon quantity of waste received per day, but that have not closed, while not categorically exempted from the regulation, receive waste in such small quantities that they would not be subject to the initial notification or any other requirement of the proposed regulations. They would only have to maintain documentation that the design capacity of the landfill is less than 2.5 million megagrams.

All other information remains as previously published. KDHE does not view this clarification as altering the substance or impact of the regulation. While small exempt landfills in Kansas, as defined under K.A.R. 28-29-103, would not be categorically exempt, such landfills will not have design capacities that approach 2.5 million megagrams, and therefore will not meet the criteria required to trigger the applicability of the regulation to such landfills. The 20 ton/day limitation creates a de facto limit under which this regulation excludes such landfills from

having to comply with the substantive requirements of

In order to assure opportunity for comment on the provisions of this regulation in relation to small landfills, KDHE is extending the comment period a full 30 days beyond the public hearing. Questions pertaining to this notice may be directed to Gary Miller at (785) 296-1547 or Tom Gross at (785) 296-1692.

> Gary R. Mitchell Secretary of Health and Environment

Doc. No. 019526

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared for discharges to the waters of the United States and the State of Kansas for the class of dischargers described below. The determinations for permit content are based on staff review, applying the appropriate standards, regulations and effluent limitations of the State of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization subject to certain conditions.

Public Notice No. KS-97-121/123

Name and Address of Applicant City of McPherson c/o Steve Gorszczyk P.O. Box 1008 McPherson, KS 67460

Waterway Little Arkansas River via Turkey

Discharge Treated domestic wastewater

Type of

Creek via Dry **Turkey Creek**

Kansas Permit No. M-LA11-OO01

Federal Permit No. KS0036196

Location: SE ¼, Section 33, Township 19S, Range 3W, McPherson County

Facility Description: The proposed action is to re-issue an existing permit for operation of an existing wastewater treatment facility treating domestic wastewater. The primary wastewater treatment equipment consists of a three-unit sequencing batch reactor, aerobic sludge digestion with gravity belt thickening, and UV disinfection. Treated wastewater is used for golf course irrigation and also is discharged to Dry Turkey Creek. The proposed permit includes a schedule of compliance to disinfect the effluent discharged to Dry Turkey Creek. The permit requirements are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are water quality based.

Name and Address of Applicant Allen County Commissioners c/o Allen County Clerk 1 N. Washington

Iola, KS 66749

Type of Waterway Discharge Neosho River Treated domestic via Rock Creek wastewater

Federal Permit No. KS0085201 Location: SW 1/4, Section 30, Township 24S, Range 19E, Allen County

Facility Description: The proposed action is to re-issue an existing permit for operation of an existing wastewater treatment facility treating domestic wastewater. The facility consists of a three-cell wastewater lagoon. The permit requirements are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant Kansas Pipeline Operating 8325 Lenexa Drive

Waterway **Fall River** via east branch Type of Discharge Hydrotest

Suite 400 Lenexa, KS 66214 Kansas Permit No. I-VE16-PO03

Location: NE 1/4, Section 24, Township 25S, Range 9E,

Greenwood County

Facility Description: The proposed action is to issue a new permit for a discharge of wastewater from a hydrotest of an existing natural gas pipeline. Water used during the hydrostatic test will be taken from and returned to the east branch of the Fall River. Prior to discharge, the hydrostatic test water will pass through hay bales to filter out excessive oil, grease and suspended solids. About 325,000 gallons of wastewater will be discharged at a rate of 500 gpm. The permit requirements are pursuant to Kansas surface water quality standards, K.A.R. 28-116-28(b-f), and federal surface water criteria, and are water quality based.

Written comments on the draft permits must be submitted to the attention of Lisa Duncan for agricultural permits or to the permit clerk for all other permits, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, J Street and 2 North, Forbes Field, Building 283, Topeka, 66620. All comments postmarked or received on or before September 12 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-97-121/123) and the name of applicant as listed when preparing comments.

If no objections are received during the public notice period, the Secretary of Health and Environment will issue the final determination. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61 (28-46-21 for UIC). Media coordination for publication and/ or announcement of the public notice or public hearing is handled by the Kansas Department of Health and En-

The applications, proposed permits, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 283, Forbes Field, Topeka, from 8 a.m. to 5 p.m. Monday through Friday. These documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

> Gary R. Mitchell Secretary of Health and Environment

Doc. No. 019521

Kansas Permit No. M-NE37-OO02

Facility Name: Allen County S.D. #1

Kansas Advocacy and Protective Services, Inc.

Request for Comments

The public is provided with the opportunity to comment on the priorities and objectives of Kansas Advocacy and Protective Services, Inc., relating to protection and advocacy for individuals with developmental disabilities and protection and advocacy for individual rights. A 45-day period for public comment extends through September 30. Copies of materials describing priorities and objectives for the program may be obtained by contacting Kansas Advocacy and Protective Services, Inc., 2601 Anderson Ave., Suite 200, Manhattan, 66502-2876, 1-800-432-8276 (Voice/TDD).

Jim Germer Director

Doc. No. 019499

State of Kansas

Department of Health and Environment

Notice of Hearing on Proposed Administrative Regulations

The Kansas Department of Health and Environment, Division of Health, Office of Epidemiologic Services will conduct a public hearing at 10 a.m. Tuesday, October 21, in Room 1051 South, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider adoption of proposed amended K.A.R. 28-1-2 and 28-1-18, disease control. A summary of the proposed changes in the regulations and their economic impact follow.

K.A.R. 28-1-2 and K.A.R. 28-1-18 both deal with diseases reportable to local health departments and the KDHE. K.A.R. 28-1-2 includes the list of diseases reportable by physicians, while K.A.R. 28-1-18 includes the list of diseases reportable by laboratories. Virtually all these diseases are infectious. These lists need to be updated periodically to reflect changes in diagnostic tests and in the list of national notifiable diseases maintained by the Council of State and Territorial Epidemiologists.

Until now, most disease reports have been sent by physicians, upon diagnosis of the condition being reported. Changes in clinical practices in recent years have given clinical laboratories a growing role in the diagnosis of infectious diseases, and today almost all these diseases require a laboratory test to confirm the diagnosis. As a result, laboratories represent an important source of good and timely information on diseases of public health importance.

The existence of two different lists of reportable diseases (one for physicians, the other for laboratories), beside having no current justification, has been a cause of confusion for health professionals and institutions, who often are unclear as to what needs to be reported by whom. The changes proposed in the two regulations acknowledge the importance of laboratory tests in the current diagnosis of infectious diseases, and would reduce

the existing confusion by adopting one list of reportable diseases for both physicians and laboratories, leaving only a few additional diseases that, due to their clinical characteristics, would remain reportable only for laboratories. In addition, laboratories will be required to submit isolates of cultures of few selected microorganisms of public health importance to the Kansas Health and Environmental Laboratory for special tests (e.g., DNA fingerprinting, antimicrobial resistance) that are not routinely carried out at commercial clinical laboratories.

Economic Impact: In general, there will be no added costs to KDHE or other governmental agencies. Clinical laboratories will be required to report cases for more diseases than currently. It is estimated that about 1500 new reports will be sent by laboratories to KDHE every year. Given that most laboratories have computerized data storage systems, the cost of generating and mailing these reports should be around \$0.75 per report, for a total of \$1,125 per year distributed across all the commercial laboratories in the state. KDHE also is promoting electronic and confidential fax data transmission from laboratories and other providers, which will help reduce the cost of the transmission of the reports. In addition, laboratories will be required to send to the Kansas Health and Environment Laboratory some isolates. Many laboratories already send (upon request) some of these isolates. It is projected that 300 more isolates will be sent to KDHE as a result of this regulation. It is estimated that the cost to send one isolate is about \$5 (including paperwork, staff time, and postage). Therefore, the additional cost of sending isolates for all the commercial laboratories in the state will be about \$1,500 per year.

The time between the publication of this notice and the scheduled hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed regulatory action. All interested parties may submit written comments prior to the hearing to Corinne Miller, Office of Epidemiologic Services, Room 1051-S, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1290. All interested parties will be given a reasonable opportunity to present their views orally on the proposed regulatory action during the hearings. To give all parties an opportunity to present their views, it may be necessary to require each participant to limit any oral

presentation to five minutes.

Copies of the proposed amendments and the economic impact statement may be obtained from the Kansas Department of Health and Environment, Office of Epidemiologic Services, (785) 296-1113. Questions pertaining to these proposed amendments should be directed to Dr. Gianfranco Pezzino, (785) 296-6215.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed amendments and the economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Corinne Miller, (913) 296-6215.

Gary R. Mitchell Secretary of Health and Environment

Department of Administration Division of Purchases

Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, Landon State Office Building, 900 S.W. Jackson, Room 102, Topeka, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information:

Monday, August 25, 1997

32635

Department of Human Resources—Clotting factors and related products

32637

Department of Administration, Central Motor Pool— Vehicle preventive maintenance service (Junction City) 32645

University of Kansas Medical Center—Coarse paper products

32651

Department of Social and Rehabilitation Services— Janitorial services, Leavenworth

6447

Pittsburg State University—NMR spectrometer
6448

Kansas State University—HPLC, new or used 6460

Kansas State University—Gas chromatograph

Tuesday, August 26, 1997

32646

Emporia State University—Elevator service 32647

Kansas State University—September 1997 meat products

6439

Hutchinson Correctional Facility—Plumbing materials

6440

Hutchinson Correctional Facility—Plumbing materials

Wednesday, August 27, 1997

Adjutant General's Department—Janitorial services, Salina

Thursday, August 28, 1997 A-8256

Fort Hays State University—Partial roof repairs, West Hall

32649

State Corporation Commission—Well plugging, lackson Lease

6449

Kansas Correctional Industries—Rutile titanium dioxide

6450

Department of Social and Rehabilitation Services— Mail processing equipment Friday, August 29, 1997

32650

State Corporation Commission—Well plugging, Olson, Manion, Stoll Lease Project

Department of Social and Rehabilitation Services— Handicapped van modification, Prairie Village 6452

University of Kansas Medical Center—Animal cages

Pittsburg State University—Furnish and install security camera system

6459

Adjutant General's Department—Miscellaneous shop tools, Ft. Riley

Wednesday, September 3, 1997

A-8322

Kansas State University—Partial interior remodel, second floor, Justin Hall

A-8325

Kansas State University—ADA sidewalk improvements

A-8382

Hutchinson Correctional Facility—32-bed addition, Minimum Security Unit-South

Thursday, September 4, 1997

A-8233

Kansas State University—Elevator addition and remodel, Kedzie Hall

Friday, September 5, 1997

A-8278

Kansas Highway Patrol—Reroof auditorium, Administration Building

A-8393

Department of Administration, Division of Facilities Management—Roof replacement, north and south wings, Landon State Office Building

Tuesday, September 9, 1997

A-8286

Fort Hays State University—Entrance modifications, Martin-Allen Hall

Wednesday, September 3, 1997

32644

Agent licensing examination services for the Kansas Insurance Department

Thursday, September, 4 1997

32648

Conference coordination and training session for the Department of Social and Rehabilitation Services

John T. Houlihan Director of Purchases

Office of Judicial Administration Court of Appeals Docket

(Note: Dates and times of arguments are subject to change.)

Kansas Court of Appeals Court of Appeals Courtroom Kansas Judicial Center 301 W. 10th Ave. Topeka, Kansas

Before Lewis, P.J.; Gernon, J.; and Charles E. Worden, D.J., assigned.

Tuesday, August 26, 1997

9:00 a.m.

Case No.	Case Name	Attorneys	County
76,352	DPR, Inc., a Kansas Corporation, d/b/a Pat's Lounge; and Patricia Rohrbaugh as President of DPR, Inc.; and Don Rohrbaugh, as Secretary/Treasurer of DPR, Inc., Appellant, V. City of Pittshuse, Kansas, Appellant	C.A. Menghini William J. Pauzauskie Donald L. Moler	Crawford
776 9417	City of Pittsburg, Kansas, Appellee.		
76,347	State of Kansas, Appellee, v. Daniel T. Koch, Appellant.	Attorney General William C. O'Keefe, C.A. John J. Ambrosio Steven P. Deiter	Nemaha
	10	:30 a.m.	
76,688	Dana R. Rockers, Appellant, v. Kansas Turnpike Authority, Appellee.	David O. Alegria Eugene C. Riling Paul V. Dugan Teresa L. Sittenauer	Shawnee
·	1:	30 p.m.	
76,870	In the Matter of the Appeal of Alsop Sand Company, Inc. From a Notice of Assessment of Sales and Compensating Taxes.	John Michael Hale Derrick L. Roberson	Tax Appeal
78,270	State of Kansas, Appellant,	Attorney General Thomas Alongi, Asst. C.A.	Geary
	Christine Reutebuch, a/k/a Christine Sebastian, a/k/a Christine Silk, Appellee.	Ronald L. Hodgson	
	2:4	45 p.m.	
75,599	State of Kansas, Appellee,	Attorney General Eric K. Rucker, C.A.	Dickinson
***	Joyce Mincey, Appellant.	Steven R. Zinn, Deputy A.D.	
	Wednesday,	August 27, 1997	and property
A A A		00 a.m.	
Case No.	Case Name	Attorneys	County
75,070	State of Kansas, Appellee, v.	Attorney General John J. Gillett, C.A.	Wilson
	James L. Swink, Appellant.	Jessica R. Kunen, Chief A.D. Hazel Haupt, Asst. A.D.	

78,546	State of Kansas, ex rel., Secretary of Social and Rehabilitation Services, Assignee of Kimberly A. Painter, and as Parent and	Janet C. Walsh	Osage
	Next Friend of Seth Snethen, a Minor Child, Appellant,		
	V. Sean K. Snethen, Appellee.		
	10	:30 a.m.	
76,096	Noel M. Klein, Appellant, v.	Daniel J. Carroll John B. Gage II	Shawnee
· · · · · · · · · · · · · · · · · · ·	University of Kansas Medical Center, Appellee.	John C. McFadden	
	Summary Calend	ar—No Oral Argument	
77,109	Patrick E. Wiles, Appellant,	Attorney General David P. Zabel, Asst. D.A.	Douglas
	State of Kansas, Appellee.	Jessica R. Kunen, Chief A.D. Lisa Nathanson, Asst. A.D.	
77,502	Transportation Systems, Inc., Appellant, v.	Ray E. Sousley	Johnson
	Capital Associates of Jackson County, Inc., Appellee.	Joanne B. Stutz	
77,489	Jeremiah P. Podlena, Appellant, v.	Leonard M. Robinson	Shawnee
	Michael D. Atwood, M.D., Appellee.	Thomas L. Theis	
78,500	In the Matter of E.W. III.	Kathleen Downey James A. Brown, Asst. D.A.	Shawnee
76,528 76,529	State of Kansas, Appellee,	Attorney General Patrick E. D'Arcy	Wyandotte :
;	Frank E. Freeman, Appellant.	Delia M. York, Asst. D.A. Joseph A. McMillen	
77,503	Arthur P. Taliaferro, M.D., Appellant,	A.P. Taliaferro, pro se	Shawnee
The same of the sa	State Board of Healing Arts, Appellee.	Mark W. Stafford	And Andrews

Kansas Court of Appeals Sedgwick County Courthouse Courtroom 11-1, 525 N. Main Wichita, Kansas

Before Brazil, C.J.; Rulon, J.; and Paddock, S.J.

Tuesday, August 26, 1997

9:00 a.m.

,		J.VV a.m.	
Case No.	Case Name	Attorneys	County
75,888	La Macy Woods, Appellant, v. State of Kansas, Appellee.	Aronda Strutt Kerns Attorney General Debra S. Peterson, Asst. D.A. David Lowden, Asst. D.A.	Sedgwick
75,517	State of Kansas, Appellee, v. Dale E. Tucker, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D. Jean K. Gilles Phillips, Asst. A.D.	Sedgwick
76,373	Ralph Becker, Claimant, Appellant, v. Ralph Becker, Respondent, and Cigna, Insurance Carrier, Appellees, and Workers Compensation Fund, Appellant.	Norman R. Kelly John W. Mize John Sherman	Work Comp

7		11:00 a.m.	
76,254	In the Matter of the Estate of Edward A. Maxedon, Deceased.	John V. Black Dennis L. Gillen Jack Scott McInteer Clark Green Ronald B. Rose	Kingman
		1:30 p.m.	
75,257	State of Kansas, Appellee, v. Walter J. Brumbelow, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D. Thomas R. Bartee, Asst. A.D.	Sedgwick
77,771	State of Kansas, Appellee, v. Ronald E. Kelley, Sr., Appellant.	Attorney General Jon Satterfield, Asst. C.A. Jessica R. Kunen, Chief A.D. Janine Cox, Asst. A.D.	Butler
	Wednesda	y, August 27, 1997	
		9:00 a.m.	
Case No.	Case Name	Attorneys	County
77,149	Alyce I. Marsee, Appellant, v.	Mark T. Schoenhofer	Sedgwick
	Hampton W. Anderson III, Appellee.	Dana M. Harris	
77,939	In the Interest of C.D.W., d/o/b. 09/22/92, a Minor Child Under 18 Years of Age.	Kim Christiansen Richard A. Macias Charles M. Cline, Jr.	Sedgwick
		0:30 a.m.	
75,747	State of Kansas, Appellee, v. Steven Douglas Allen, Appellant.	Attorney General Jennifer M. Wieland, Asst. C.A. Jessica R. Kunen, Chief A.D. Paul S. Bassett, Special A.D.	Harvey
	Summary Calend	dar—No Oral Argument	
77,290	Robert E. Dobrzenski, Appellant, v. Robert D. Hannigan, Appellee.	Robert E. Dobrzenski, pro se Attorney General Jon D. Graves	Reno
78,520	In the Interest of H.L.P., d/o/b: 01/12/85; P.K.P., d/o/b: 01/20/86; Minor Children Under the Age of 18 Years.	Verlin A. Ingram Kevin B. Johnson Roger Batt Becky C. Hurtig	Sedgwick
76,835	Hai Van Nguyen, Appellant, v. State of Kansas, Appellee.	Attorney General Scott M. Schultz, Asst. C.A. Jessica R. Kunen, Chief A.D.	Finney
77,285	State of Kansas, Appellee,	Alice A. Craig, Asst. A.D. Attorney General	Saline
	Dana Louis Frey, Appellant.	Steven C. Staker, Asst. C.A. Gary D. Denning	
76,863	State of Kansas, Appellee, v. Robert C. Hooper, Appellant.	Attorney General Debra S. Peterson, Asst. D.A.	Sedgwick
77,001	In the Interest of R.A.M., d/o/b: 11/02/84, et al., Minor Children Under the Age of 18.	Robb W. Rumsey Larry J. Bachura Pamela J. Guizlo Barbara L. James	Sedgwick

Kansas Court of Appeals
Old Sedgwick County Courthouse
510 N. Main, 3rd Floor
Wichita, Kansas

Before Green, P.J.; Royse, J.; and Wahl, S.J.

Tuesday, August 26, 1997

9:00 a.m.

	.	:vu a.m.	
Case No.	Case Name	Attorneys	County
74,581	Marla Floyd and Gary Floyd, Appellants,	James J. McGannon	Sedgwick
	v. General Motors Corporation; Goff Motors, Inc; and Christopher Pontiac, Inc., Appellees.	Larry Withers	
76,620	Larry J. Simmons, Appellee,	Gary A. Winfrey Donald N. Peterson II	Work Comp
	Sim Park Golf Course, and Northwestern National Casualty and Workers Compensation Fund, Appellants.	James A. Cline Scott J. Mann	
	San Baran):30 a.m.	
76,303	Tony Reddick, Appellant,	Kiehl Rathbun	Sumner
70,000	V.	New York Association of the Control	Juniaei
· Alexandrian	State Department of Social and Rehabilitation Services, Appellee.	Ellen G, Neufeld	
· , · · · · · · · · · · · · · · · · · ·		30 p.m.	
76,480	State of Kansas, Appellee,	Attorney General	Sedgwick
	V. Steven G. Beard, Appellant.	Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D. Lisa Nathanson, Asst. A.D.	
75,987	State of Kansas, Appellee, v.	Attorney General Debra S. Peterson, Asst. D.A.	Sedgwick
	David F. Winfrey, Appellant.	Doyle Baker, Asst. D.A. Jessica R. Kunen, Chief A.D. Elizabeth Seale Cateforis, Asst. A.D.	
	2:	45 p.m.	
75,361	State of Kansas, Appellee, v.	Attorney General Debra S. Peterson, Asst. D.A.	Sedgwick
	David Lane, Appellant.	David Lowden, Asst. D.A. Kevin Loeffler	
	Wednesday	, August 27, 1997	
esa" Section		:00 a.m.	
Case No.	Case Name	Attorneys	County
76,237	James L. Landers, Appellant,	Roger L. Falk Attorney General	Sedgwick
	State of Kansas, Appellee.	Debra S. Peterson, Asst. D.A.	
77,240	Edward M. Dumbauld, Appellee, v.	Edward D. Heath, Jr. Bill H. Raymond	Work Comp
	Beech Aircraft Corporation (Self-Insured), Appellant, and the Workers Compensation Fund, Appellee.	Terry J. Torline	
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Kansas Register

Court of Appeals Docket

		:45 a.m.	
76,201	State of Kansas, Appellee, v. Nikki L. Lafoe, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Thomas J. Schultz, Asst. D.A. Jessica R. Kunen, Chief A.D. Debra J. Wilson, Asst. A.D.	Sedgwick
	Summary Calend	ar—No Oral Argument	
77,418	Eric A. Voth, Appellant, v. Larry D. Coleman, Mary C. Jackson, Rosie M. Quinn, Richard Carney, Hosea Ellis Sowell, and Arthur P. Taliaferro, Appellees.	David R. Cooper Larry D. Coleman, pro se Vernon Lewis Rosie M. Quinn, pro se A.P. Taliaferro, M.D., pro se	Shawnee
77,914	In the Interest of C.G.C., d/o/b: 07/06/88, a Minor Child Under 18 Years of Age.	Gerald J. Domitrovic Becky C. Hurtig Kevin B. Johnson Marjorie Phares	Sedgwick
76,973	Francis Nemechek, #31327, Appellant, v.	Cheryl A. Marquardt John R. Dowell, Asst. A.G.	Leavenworth
77,641	David R. McKune, et al., Appellees. Knutson Mortgage Corporation (Shapiro & Reid and Richard L. Reid), Appellants,	James W. Coder, Asst. A.G. Ron D. Beal	Sedgwick
	James C. Coleman, et al., Appellees.	Ed L. Randels	
77,725	Mario Rico, Appellant, v. Excel Corporation, Respondent and Self-Insured, Appellee.	Stanley R. Ausemus D. Shane Bangerter Stephen M. Kerwick	Work Comp
78,415	In the Interest of J.N.R., d/o/b: 02/16/94, a Child Under 18 Years of Age.	Mary A. McDonald, C.A. Bradley D. Jantz	Harvey

Kansas Court of Appeals
Commission Meeting Room, 2nd Floor
Old Douglas County Courthouse
1100 Massachusetts
Lawrence, Kansas

Randall J. Pankratz

Before Pierron, P.J.; Elliott, J.; and David W. Kennedy, D.J., assigned.

Tuesday, August 26, 1997

9:00 a.m.

Case No.	Case Name	Attorneys
77,353	In the Matter of the Marriage of Manijeh	David J. Berkowitz Douglas
	Zandi, Appellee, and Homayoun Nik-	Homayoun Nik-Khah, pro se
	Khah, Appellant.	교육도 수업에 되겠다면 하라면 하는 사람들이 살아 있다. 사람들
77,976	In the Matter of R.L.W., Jr., Respondent.	Mark Davis Wyandotte
	를 수울이 있습니다 및 일반, 1억 1억	Victoria S. Meyer, Asst. D.A.
	いしょうしょうけい しょうきん まりんしょ しんしん 対策 かんしんしょ 丁丁	:30 a,m;
78,550	Leanne Fuller, Appellee,	David M. Bryan Johnson
a sa Alakatan		왕이를 하는 사람이 아니는 사람들이 하는 사람들이 하는 사람들이 없다.
	Stephen Bradley Small, Appellant.	Gordon N. Myerson

Kansas Register

1:30	p.m.
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78,518 In the Matter of the Marriage of Blake Andrew R. Ramirez Ashley Hedges, Appellant, and Kathryn Laura Burney K. Hedges, n/k/a Kathryn K. King, David J. Brown Sherri E. Loveland Appellee.

2:45 p.m.

76,569 Edward W. Green, Appellant, David O. Alegria Stephanie Warmund Colgate Palmolive Company, Liberty Mutual Insurance Company, and Kansas Jeffrey S. Austin Workers Compensation Fund, Appellees.

Work Comp

Douglas

Wednesday, August 27, 1997

9:00 a.m.

Case No.	Case Name	Attorneys	County
78,236	In the Matter of A.K.S., Respondent,	Jeanne Gorman Rau	Wyandotte
	d/o/b: 02/01/83.	Terra D. Morehead, Asst. D.A.	
		Carl E. Cornwell	
75,550	In the Matter of the Marriage of Marla S.	J. Bradley Short	Johnson
76,585	Schanze (formerly Doeren), Appellee,	Jill C. Allison	
	and Roger Doeren, Appellant.	Mark A. Corder	
* * * * * * * * * * * * * * * * * * * *		Ray E. Sousley	
75,847	State of Kansas, Appellee,	Attorney General	Johnson
	v.	Steven J. Obermeier, Asst. D.A.	
-7.	David H. Johnston, Appellant.	Darrell Smith	
* *			
	1 ():45 a.m.	jaran i jarah kemin

75,149	State of Kansas, Appellee,		Attorney General Johnson
	David Lee Jones, Appellant.	9.7	Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D.
		1.5	Jean K. Gilles Phillips, Asst. A.D.

e de la companya de l	Summary Calen	dar—No Oral Argument	
75,814	John P. Parr and Jane L. Parr, Appellees, v. J.E. Marks Construction, Inc., et al., Appellants.	Daniel Church Larry D. Fields Michael A. Childs	Johnson
76,400	State of Kansas, Appellee, v. Michael G. Wilson, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. William P. Turner	Johnson
76,041	State of Kansas, Appellee, v. Richard J. Manion, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D. Edward G. Collister, Jr., Special A.D.	Johnson
77,451	In the Matter of B.A.M., d/o/b: 10/31/79.	Mary Stephenson Hosack, Asst. D.A. Kathleen L. Sloan	Johnson
77,264	State of Kansas, Appellee, v. Reuben G. Payne, Appellant.	Attorney General Sheryl L. Lidtke, Asst. D.A. Jessica R. Kunen, Chief A.D. Ryan Kipling Elliott, Asst. A.D.	Wyandotte
76,582	State of Kansas, Appellee, v. Glennon E. Robinson, Appellant.	Attorney General Steven J. Obermeier, Asst. D.A. Jessica R. Kunen, Chief A.D. Lisa Nathanson, Asst. A.D.	Johnson

Carol G. Green Clerk of the Appellate Courts

Department of Administration

Public Notice

Under requirements of K.S.A. 1996 Supp. 65-34,117(c), records of the Division of Accounts and Reports show the unobligated balances are \$1,719,906.64 in the underground petroleum storage tank release trust fund and \$336,955.72 in the aboveground petroleum storage tank release trust fund at July 31, 1997.

Daniel R. Stanley Secretary of Administration

Doc. No. 019509

State of Kansas

Kansas Commission on Governmental Standards and Conduct

Advisory Opinion No. 97-29

Written July 8, 1997, to Douglas L. Klaassen, Mayor-Commissioner, City of Chanute.

This opinion is in response to your letter of June 17, 1997, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the local level conflict of interest laws (K.S.A. 75-4301a et seq.). We note at the outset that the commission's jurisdiction is limited to the application of K.S.A. 75-4301a et seq., and whether some other statutory system, common law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand you request this opinion in your capacity as mayor-commissioner for the City of Chanute. You advise us that you are a 51 percent shareholder of a Sub-S corporation and the sole employee. As such, you perform professional services to several companies in the community, on both a retainer fee and an hourly rate. You receive a monthly salary in addition to dividends and other distributions from the corporation. The annual payments from a given company to the corporation may exceed \$2,000 per year.

Question

From what types of issues related to the customers of the Sub-S corporation must you abstain from voting on as the mayor-commissioner?

Opinion

K.S.A. 75-4301a(a) states:

"Substantial interest" means any of the following: (1) If an individual or an individual's spouse, either individually or collectively, has owned within the preceding 12 months a legal or equitable interest exceeding \$5,000 or 5% of any business, whichever is less, the individual has a substantial interest in that business.

(2) If an individual or an individual's spouse, either individually or collectively, has received during the preceding calendar year compensation which is or will be required to be included as taxable income on federal income tax returns of the individual and spouse in an aggregate amount of \$2,000 from any business or combination of businesses, the individual has a substantial interest in that business or combination of businesses.

- (3) If an individual or an individual's spouse, either individually or collectively, has received in the preceding 12 months, without reasonable and valuable consideration, goods or services having an aggregate value of \$500 or more from a business or combination of businesses, the individual has a substantial interest in that business or combination of businesses.
- (4) If an individual or an individual's spouse holds the position of officer, director, associate, partner or proprietor of any business, other than an organization exempt from federal taxation of corporations under section 501 (c) (3), (4), (6), (7), (8), (10) or (19) of chapter 26 of the United States code, the individual has a substantial interest in that business, irrespective of the amount of compensation received by the individual or individual's spouse.
- (5) If an individual or an individual's spouse receives compensation which is a portion or percentage of each separate fee or commission paid to a business or combination of businesses, the individual has a substantial interest in any client or customer who pays fees or commissions to the business or combination of businesses from which fees or commissions the individual or the individual's spouse, either individually or collectively, received an aggregate of \$2,000 or more in the preceding calendar year.

As used in this subsection, "client or customer" means a business or combination of businesses.

K.S.A. 75-4304, subsections (a), (c) and (d) state:

- (a) No local governmental officer or employee shall, in the capacity of such an officer or employee, make or participate in the making of a contract with any person or business by which the officer or employee is employed or in whose business the officer or employee has a substantial interest.
- (c) A local governmental officer or employee does not make or participate in the making of a contract if the officer or employee abstains from any action in regard to the contract.
- (d) This section shall not apply to the following:
- (1) Contracts let after competitive bidding has been advertised for by published notice; and
- (2) contracts for property or services for which the price or rate is fixed by law.

As a general rule, unless the contract is competitively bid or the price or rate is fixed by law, a local governmental officer or employee could not, in that capacity, participate in the making of a contract with a "person" or "business" in which a "substantial interest" is held.

Turning to your question, you could not vote on any contracts, unless one of the exceptions set out above applies, between the city and any customer of the corporation who paid fees in an amount such that the dividends and distributions you receive would equal \$2,000 or more during the preceding calendar year.

Advisory Opinion No. 97-30

Written July 8, 1997, to the Honorable Tom Sloan, Kansas State Representative, 45th District, Lawrence.

This opinion is in response to your letter of June 3, 1997, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state level conflict of interest laws (K.S.A. 46-215 et seq.). We note at the outset that the commission's jurisdiction is limited to the application of K.S.A. 46-215 et seq., and whether some other statutory system, common law theory, or agency rule and regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand you request this opinion in your capacity as a Kansas state representative. You have been asked to deliver the keynote presentation at the School Librarian Media Specialists Summer Institute in Emporia, Kansas, on June 11, 1997. The institute focuses on trends, teaching and technology available to library media specialists. You are scheduled to speak for 1½ hours on educational legislation enacted in the past two legislative sessions, as well as anticipated issues in 1998.

You further advise us that since you are not a member of the House Education Committee, a great deal of preparation on your part will be necessary in a short amount of time. In addition, preparing for this presentation will take significant time away from your private sector business.

The institute has offered a \$400 honorarium plus a mileage expense reimbursement. You have informed the Institute that you could not accept the honorarium without prior approval from this commission, and that this decision would not be reached prior to the presentation date. Thus, the Institute will compensate you for the amount approved at a later date.

Question

Is it permissible for you to accept the \$400 honorarium for delivering the keynote presentation for the School Librarian Media Specialists Summer Institute?

Opinion

K.S.A. 46-237(f) applies to your question. That subsection states:

No state officer or employee shall accept any payment of honoraria for any speaking engagement except that a member of the state legislature or a part-time officer or employee of the executive branch of government shall be allowed to receive reimbursement in the preparation for and the making of a presentation at a speaking engagement in an amount fixed by the Kansas commission on governmental standards and conduct prior to the acceptance of the speaking engagement. Nothing in this section shall be construed to prohibit the reimbursement of state officers and employees for reasonable expenses incurred in attending seminars, conferences and other speaking engagements.

In KCGSC Opinion No. 91-21, the commission opined that the amount of honorarium that could be paid to a legislator for the preparation and presentation of materials at a speaking engagement would depend on the following factors: amount of preparation, complexity of issues, qualifications of the presenter and the extent of the presenter's participation in the event. The commission

stated that it would "... presume a maximum of \$50 for preparation and a maximum of \$50 for presentation..." Anyone seeking an additional amount "... will have to request a waiver."

Applying the factors outlined in KCGSC Opinion No. 91-21 to the brief information you provided in your opinion request, the commission believes the monetary limits set out in that opinion should not be waived. If you have any additional information you wish to present to the commission, you are invited to do so. Thus, you could accept up to \$100 for delivering the keynote presentation.

In closing, the commission notes that since you are providing a bona fide speaking service at the seminar, the institute could pay for all of your reasonable travel expenses.

Advisory Opinion No. 97-31

Written July 8, 1997, to Connie Owen, Treasurer for Dan Owen, Shawnee Mission.

This opinion is in response to your letter of June 19, 1997, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the Kansas Campaign Finance Act (K.S.A 25-4142 et seq.). We note at the outset that the commission's jurisdiction is limited to the application of K.S.A. 25-4142 et seq., and whether some other statutory system, common law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand you request this opinion in your capacity as the treasurer for the Owen for District Attorney campaign. You advise us that your spouse unsuccessfully ran for Douglas County District Attorney. During the course of the campaign, expenses were incurred that exceeded the amount of money in the campaign bank account. The campaign has paid off as much debt as it could, and the account is now exhausted. Two creditors remain unsatisfied, with one of the creditors now threatening legal action to collect the debt.

Question

Under the Kansas Campaign Finance Act (K.S.A. 25-4142 et seq.), are the candidate and/or treasurer personally liable for debts incurred by the campaign?

Opinion

The commission has reviewed the Kansas Campaign Finance Act (K.S.A. 25-4142 et seq.) in its entirety, and nothing in the Act speaks to a candidate becoming personally liable for the debts or obligations of the campaign.

We do note that pursuant to K.S.A. 25-4155 and K.S.A. 25-4157a(c), the campaign must continue to file receipts and expenditures reports as required by K.S.A. 25-4148 until the debts and obligations are fully paid or discharged.

In closing, we want to remind you this opinion is limited to the Kansas Campaign Finance Act and does not address any other body of law.

(continued)

Advisory Opinion No. 97-32

Written July 8, 1997, to Ron Smith, General Counsel, Kansas Bar Association, Topeka.

This opinion is in response to your letter of May 20, 1997, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the Kansas Campaign Finance Act (K.S.A. 25-4142 et seq.). We note at the outset that the commission's jurisdiction is limited to the application of K.S.A. 25-4142 et seq., and whether some other statutory system, common law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand you request this opinion in your capacity as general counsel for the Kansas Bar Association. You advise us that Senate Bill 116, which became law on July 1, 1997, limits certain elected officials and candidates from soliciting or accepting campaign contributions from anyone other than an "individual" during the period beginning January 1 and ending with sine die adjournment of the legislature.

Question

Is a partner in a professional firm, or a shareholder in a corporation or limited liability company, an "individual" under the law?

Opinion

K.S.A. 25-4153a, as amended by Senate Bill 116, states:

No registered lobbyist, political committee or person, other than an individual, shall make a contribution as defined by subsection (d) of K.S.A. 25-4143, and amendments thereto, to any legislator, candidate for membership in the senate or house of representatives, candidate committee for any such legislator or candidate, state officer elected on a statewide basis, candidate for state office elected on a statewide basis or candidate committee for any such officer or candidate after January 1 of each year and prior to adjournment sine die of the regular session of the legislature or at any other time in which the legislature in in session. No such legislator, officer, candidate or committee shall accept or solicit any contribution as defined by subsection (d) of K.S.A. 25-4143, and amendments thereto, from any registered lobbyist, political committee or person, other than an individual, during such period.

The commission first notes that the Kansas Campaign Finance Act does not define the term "individual." However, K.S.A. 25-4143(h) defines the term "person" as "any individual, committee, corporation, partnership, trust, organization or association." Based on this definition, it is the commission's opinion that "individual" means a "natural person" as opposed to an "artificial person." Thus, a partner in a professional firm or a shareholder in a corporation or limited liability company would be an "individual."

Diane Gaede Chairwoman

Doc. No. 019534

(Published in the Kansas Register August 14, 1997.)

Summary Notice of Bond Sale \$159,000 City of Anthony, Kansas General Obligation Bonds, Series 1997

(General obligation bonds payable from unlimited ad valorem taxes)

Sealed bids

Subject to the notice of bond sale dated August 14, 1997, sealed bids will be received by the clerk of the City of Anthony, Kansas (the issuer), on behalf of the governing body at City Hall, 124 S. Bluff, Anthony, KS 67003, until noon August 25, 1997, for the purchase of \$159,000 principal amount of General Obligation Bonds, Series 1997. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$9,000. The bonds will be dated September 1, 1997, and will become due on September 1 in the years as follows:

	Principal
Year	Amount
1998	\$ 9,000
1999	15,000
2000	15,000
2001	15,000
2002	15,000
2003	15,000
2004	15,000
2005	20,000
2006	20,000
2007	20,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning September 1, 1998.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$3,180 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before September 16, 1997, at such bank or trust company in the contiguous United States as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1996 is \$8,498,794. The total general obligation indebtedness of

the issuer as of the date of delivery of the bonds, including the bonds being sold but excluding temporary notes to be retired in conjunction therewith, is \$1,749,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (316) 842-5434, or from the financial advisor, Ranson Municipal Consultants, Wichita, Kansas, Attention: John Haas, (316) 269-2231.

Dated August 4, 1997.

City of Anthony, Kansas

Doc. No. 019518

(Published in the Kansas Register August 14, 1997.)

Summary Notice of Bond Sale \$370,000

City of Independence, Kansas General Obligation Bonds, Series A, 1997

(General obligation bonds payable from unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated August 13, 1997, sealed bids will be received by the clerk of the City of Independence, Kansas (the issuer), on behalf of the governing body at 120 N. 6th, Independence, KS 67301, until 5 p.m. August 21, 1997, for the purchase of \$370,000 principal amount of General Obligation Bonds, Series A, 1997. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated September 1, 1997, and will become due on October 1 in the years as follows:

Year	Principal Amount
1998	\$25,000
1999	25,000
2000	25,000
2001	25,000
2002	25,000
2003	25,000
2004	20,000
2005	20,000
2006	20,000
2007	20,000
2008	15,000
2009	15,000
2010	15,000
2011	15,000
2012	15,000
2013	15,000

2014	15,000	-
2015	15,000	,
2016	10,000	i.
2017	10,000	Ú

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning April 1, 1998.

Optional Book-Entry-Only System

The successful bidder may *elect* to have the bonds registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$7,400 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before September 15, 1997, at DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1996 is \$43,785,328. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold but excluding temporary notes to be retired in conjunction therewith, is \$4,825,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (316) 332-2500, or from the financial advisor, Stifel, Nicolaus & Company, Inc., 250 N. Water, Suite 100, Wichita, KS 67202, Attention: Larry L. McKown, (316) 264-6321.

Dated August 13, 1997.

City of Independence, Kansas

(Published in the Kansas Register August 14, 1997.)

Abbreviated Notice of Bond Sale City of Kansas City, Kansas \$1,620,000*

Sewer System Improvement Revenue Bonds Series 1997A

and \$8,705,000* Federally Taxable Sewer System Refunding Revenue Bonds Series 1997B

Sealed Bids

Sealed bids will be received by the director of finance/budget director of the City of Kansas City, Kansas, at the Municipal Office Building, One McDowell Plaza, 701 N. 7th, Kansas City, KS 66101, until 10 a.m. Thursday, August 21, 1997, for the purchase of the city's \$1,620,000* principal amount of Sewer System Improvement Revenue Bonds, Series 1997A, and \$8,705,000* Federally Taxable Sewer System Refunding Revenue Bonds, Series 1997B (the Series 1997A Bonds and the Series 1997B Bonds, collectively the "bonds"). All bids will be publicly opened and read at said time and place and will be acted upon the same day by the director of finance/budget director pursuant to authorization by the governing body. No oral or auction bids will be considered. Discount bids not to exceed 1 percent on each series of bonds will be accepted.

Bond Details

Mill But It

The bonds will be in certificated, book entry or any other form acceptable to both the city and the successful bidder(s) and authorized by state and federal law. The bonds will be issued in the denomination of \$5,000 or any integral multiple thereof and will be dated September 1, 1997. The Series 1997A Bonds will be issued in the principal amount of \$1,620,000* and will become due serially on May 1 and November 1 in each of the years as follows:

	Principal
Maturity	Amount
May 1, 1998	\$10,000
November 1, 1998	10,000
May 1, 1999	15,000
November 1, 1999	15,000
May 1, 2000	15,000
November 1, 2000	15,000
May 1, 2001	15,000
November 1, 2001	15.000
May 1, 2002	40.000
November 1, 2002	45,000
May 1, 2003	
	45,000
November 1, 2003	45,000
May 1, 2004	45,000
November 1, 2004	45,000
May 1, 1005	195,000
November 1, 2005	200,000
May 1, 2006	205,000
November 1, 2006	210,000
May 1, 2007	215,000
November 1, 2007	220,000

The Series 1997B Bonds will be issued in the principal amount of \$8,705,000* and will become due serially on May 1 and November 1 in each of the years as follows:

Maturity	,	Amount
May 1, 199	8	\$ 905,000

November 1, 1998	1,015,000
	1,045,000
November 1, 1999	1,080,000
	1,110,000
November 1, 2000	1,145,000
May 1, 2001	1,185,000
	1,220,000

The city has established a minimum level of interest savings desired for this refunding. If that minimum is not met through the competitive proposals received on August 21, 1997, the city may reject all proposals.

Each series of bonds will bear interest from September 1 at the rates to be determined when the bonds are sold as herein provided, which interest will be payable semi-annually on May 1 and November 1 in each year, commencing May 1, 1998.

Delivery and Payment

The bonds will be delivered to the successful bidder(s) properly prepared, executed and registered without cost to the bidder(s) within approximately 30 days after the date of their sale at such bank or trust company in the continental United States as may be specified by the successful bidder(s) and which is acceptable to the city.

Good Faith Deposit

A good faith deposit in the form of a certified or cashier's check or financial surety bond in the amount of \$32,400 for the Series 1997A Bonds and in the amount of \$174,100 for the Series 1997B Bonds must accompany each bid for the applicable series of bonds.

Costs

The city will pay the cost of printing the bonds and the expense of all legal services, including the opinion of McDowell, Rice, Smith & Gaar, a Professional Corporation, bond counsel, approving the legality of the bonds, the exclusion of the interest on the Series 1997A Bonds (with specified minor exceptions) from federal gross income taxes and the exclusion of the interest on the bonds from Kansas gross income taxes.

Bond Insurance

The city will obtain bond insurance for the Series 1997A Bonds and the Series 1997B Bonds. The city will pay the cost of bond insurance.

Additional Information

A complete notice of bond sale, preliminary official statement and bid forms approved by the city will be mailed to all interested parties. Additional information regarding the bonds may be obtained from the director of finance/budget director at (913) 573-5270; from Springsted Public Finance, the city's financial advisor, at (612) 223-3000; or from McDowell, Rice, Smith & Gaar, a Professional Corporation, bond counsel, at (913) 338-5400.

City of Kansas City, Kansas By: Nancy L, Zielke Director of Finance/Budget Director Municipal Office Building One McDowell Plaza 701 N. 7th Kansas City, KS 66101

* Preliminary, subject to change. Doc. No. 019531

Department of Human Resources Division of Workers Compensation

Permanent Administrative Regulations

Article 9.—MEDICAL AND HOSPITAL

51-9-7. Fees for medical and hospital services. Charges for medical, surgical, hospital, dental, and nursing services, medical equipment, medical supplies, prescriptions, medical records, and medical testimony rendered pursuant to the Kansas workers compensation act shall be the lesser of the usual and customary charge of the health care provider, hospital or other entity providing the health care services or the amount allowed by the "Workers Compensation Schedule of Medical Fees" published by the Kansas Department of Human Resources and dated September 1, 1997, including the ground rules incorporated in the schedule, which is hereby adopted by reference. (Authorized by and implementing K.S.A. 1996 Supp. 44-510, as amended by 1997 HB 2011, Sec. 4; effective Jan. 1, 1966; amended Jan. 1, 1969; amended Jan. 1, 1973; amended May 1, 1976; amended May 1, 1978; amended, T-88-20, July 1, 1987; amended May 1, 1988; amended Nov. 1, 1993; amended April 5, 1996; amended Aug. 29, 1997.)

> Wayne L. Franklin Secretary of Human Resources

Doc. No. 019533

State of Kansas

Department of Commerce and Housing

Permanent Administrative Regulations

Article 4.—INVESTMENTS IN MAJOR PROJECTS AND COMPREHENSIVE TRAINING (IMPACT) ACT

110-4-1. Definitions. As used in these regulations, and for purposes of administering the IMPACT act, the following terms shall have the following meanings:

(a) "Job that formerly existed" means a job of an em-

ployer:

(1) with the same or similar description, or performing the same or a similar function as a job being created by that employer; and

(2) was filled or in use within the 18 months prior to the date of filing an application with the secretary for funding from the IMPACT program services fund.

(b) "MPI" means major project investment.

(c) "Maximum funding amount" means the maximum dollar amount for which a qualified project would be eligible under the IMPACT act, assuming sufficient funds exist to fund the maximum dollar amount permitted for all qualified projects as determined by the secretary pursuant to K.A.R. 110-4-2(c).

(d) "Qualified project" means any project described in an application which has been determined by the secretary to be complete, in compliance with the funding limitations set forth in the IMPACT act, and qualified for funding from the IMPACT program services fund.

(e) "Project costs" means the total costs of a qualified

project, including program costs.

(f) "Secretary" means the secretary of commerce and

housing

(g) "IMPACT act" means K.S.A. 1996 Supp. 74-50,102 through 74-50,112 and amendments thereto. (Authorized by and implementing K.S.A. 1996 Supp. 74-50,104; effective, 110-3-27-92, March 27, 1992; effective, T-110-7-23-92, July 23, 1992; effective Sept. 8, 1992; amended Aug. 29, 1997.)

- 110-4-2. Review standards and priorities for approval of proposed agreements; limits on program costs and on project and program size. (a) Each proposal for an agreement concerning a SKILL project or a combined SKILL project and financial assistance through an MPI shall be submitted jointly by an employer and an educational institution to the secretary. Each proposal for an agreement concerning only financial assistance through an MPI shall be submitted by an employer to the secretary. Each proposal shall be submitted as an application in the form provided by the secretary or in such other form as is sufficient to provide the information required to be provided under this regulation. Each proposal shall include the following, as applicable:
 - (1) general information, as follows:
 - (A) the employer's name;

(B) the employer's address;

- (C) the name and title of the employer's designated contact person;
- (D) the telephone number of the employer's contact person;
- (E) the employer's federal taxpayer identification number, or social security number;
 - (F) a description of the employer's business operation;
- (G) the employer's standard industrial classification designation, as established by the executive office of the president, office of management and budget;

(H) information demonstrating the impact of the pro-

posed project on the local economy; and

(I) a summary of the employer's business plan relating to the project;

(2) for any proposal that includes a SKILL project, information relating to the new jobs and the proposed training program, as follows:

(A) the job title and a description or the classification

of each type of new job;

- (B) the number of trainees per job title or classification;
- (C) the anticipated hiring schedule for each classifica-
 - (D) the number of hours of instruction for each trainee;
- (E) a description of the training or instruction to be provided to each trainee;

(F) the location of training;

(G) the anticipated starting and ending dates for training;

(H) the expected longevity of each new job; (I) the wage scale applicable to each new job;

(J) a description of the benefits package applicable to each new job;

(continued)

(K) if the project is for an existing Kansas facility, the current employment level at that facility for each job description and the employment level at that facility for each job description 18 months prior to the date of the

application;

(L) the estimated amount of gross wages and withholding tax of all new jobs created under the project over a 10-year period from the date the first new job is filled and the raw data, details of calculations, and the assumptions used in determining such gross wages and withholding tax;

(M) the educational institution's name;

(N) the educational institution's address;

(O) the name and title of the educational institution's designated contact person; and

(P) the telephone number of the educational institu-

tion's contact person;

- (3) for any proposal that includes a SKILL project, information relating to the project budget and costs, as fol-
- (A) salaries of instructors, including the number of hours of instruction and hourly rates;
- (B) costs of adult basic education and job-related instruction;
- (C) costs of vocational and skill-assessment services and testing;
- (D) costs for lease of training equipment, including the costs of installation;
- (E) costs to the educational institution for purchase of training equipment, including the costs of installation;

(F) costs of training materials and supplies;

- (G) administrative expenses of the educational institution;
- (H) costs of subcontracted services with educational institutions, federal, state, or local agencies, vendors or consultants:
 - (I) costs of contractual or professional services;
- (J) training curriculum planning and development costs;
- (K) costs of textbooks, manuals, audio-visual, or other training aids;
 - (L) travel expenses of trainers or trainees;
 - (M) costs of temporary training facilities;
- (N) the amount, if any, of tuition, student fees, or special charges included in the cost of the project;
- (O) the raw data, details of calculations, and assumptions used in determining the project budget and costs;
 - (P) the total estimated costs for the project;
- (Q) the amount of project costs proposed to be paid by the employer, by the educational institution, by federal, state, or other public or private grants; and
 - (R) the amount of project costs requested to be paid

from the IMPACT program services fund;

- (4) for any proposal that includes a request for financial assistance through an MPI, information relating to the financial assistance requested as follows:
- (A) an itemization of the business costs to be defrayed with the financial assistance, and the estimates, raw data and method of determining such business costs;
- (B) a draw schedule setting forth each date on which the financial assistance provided through an MPI will be needed and the amounts needed on each date;

- (C) background information relating to the undertaking and an explanation of how the financial assistance provided through an MPI will contribute to the relocation of the employer in the state, the location of the employer into the state, or the creation of new jobs within the state;
- (D) if the proposal includes only a request for financial assistance through an MPI, an explanation of the training or education programs to be undertaken or funded by the employer for its employees each year during the term of the agreement, with evidence demonstrating that the employer will meet the minimum training and education requirement set forth in K.S.A. 1996 Supp. 74-50,106(d)(1), and amendments thereto; and

(5) for all proposals, any other information deemed

necessary by the secretary.

- (b) Each application shall be reviewed by the secretary for completeness and compliance with the funding limitations set forth in the IMPACT act. Additional data may be requested by the secretary to verify the accuracy and completeness of the information set forth in an application. The review of each application shall be completed by the secretary within 30 days of the date a complete application is filed. Any project described in an application determined by the secretary to be complete and in compliance with the funding limitations set forth in the IMPACT act shall be considered to be a "qualified proiect."
- (c) (1) The best method of funding the qualified projects shall be determined by the secretary and the funding requirements of part or all of two or more qualified projects may be pooled to facilitate the issuance of bonds by the Kansas development finance authority. One or more qualified projects may be funded from amounts on deposit or anticipated to be on deposit in the IMPACT program services fund that are not required to be used to pay program costs for other qualified projects.
- (2) The maximum funding amount for any qualified project may be funded in more than one increment as may be necessary to accommodate the needs, funding resources, and limitations of the IMPACT program. However, the sum of these increments shall not exceed the maximum funding amount for the qualified project. The determinations by the secretary as to whether a qualified project will be funded in increments and the amount of such increments shall be made on the basis of the considerations listed in K.A.R. 110-4-2(d).
- (d) The following factors shall be used to determine whether a qualified project should be funded and the amount of such funding. If two or more qualified projects compete for limited funds, these same factors shall be applied to determine the level of funding for each project:

1) the per capita cost of training expenses to be funded

for the IMPACT program services fund;

(2) the amount of funds used to pay project costs from sources other than funds from the IMPACT program services fund;

(3) the local economic needs and the impact of the project, including current local employment conditions, resultant new economic activity, the project schedule, leveraging of other resources, beneficial impact on the tax base and project feasibility, as well as the probability that the project will accomplish the projected benefits;

(4) the quality of jobs to be created, with priority given to those full-time jobs that have a higher wage scale, higher benefit levels, a low turnover rate, an opportunity for career development or advancement or other related factors;

(5) the extent to which the project is being coordinated with other projects of that applicant or other applicants to be funded from the IMPACT program services fund. Priority shall be given to projects that are able to share training facilities, instructors, training equipment, and other program services;

(6) the extent to which the project or components of the project do not duplicate existing training resources;

(7) the extent to which the project utilizes funds in the most efficient and effective manner to train employees. Each proposal that includes a SKILL project shall demonstrate that a reasonable effort has been made to investigate alternate training methods and has selected the most efficient and effective method of training;

(8) the extent to which funding from the IMPACT program services fund is essential to the training of the em-

ployees, the creation of the new jobs, or both;

(9) the extent to which the employer requesting assistance can continue in business at the levels necessary to retain the new jobs created for the periods indicated in its application if provided with the requested assistance;

(10) the extent to which the employer intends to continue its operations in Kansas for the periods indicated in

its application;

(11) if financial assistance through an MPI is requested, the extent to which the project utilizes funds in the most efficient and effective manner to defray business costs for which financial assistance is requested;

(12) the extent to which the business costs to be defrayed with the financial assistance provided through an MPI are directly related to the creation of new jobs in

Kansas; and

(13) the extent to which the financial assistance provided through an MPI will confer benefits on the state, the community, local educational institutions or other persons or entities in addition to the benefits it will confer

on the employer.

- (e) Each qualified project which has been approved for funding by the secretary shall be submitted by the secretary within 30 days of such approval to the governor's council on work force training and investment for review and approval. No final agreement shall be approved by the secretary unless each project under the agreement has been approved by the governor's council on work force training and investment. (Authorized by K.S.A. 1996 Supp. 74-50,104, 74-50,106, and implementing K.S.A. 1996 Supp. 74-50,104, 74-50,105, 74-50,106; effective, T-110-3-27-92, March 27, 1992; effective, T-110-7-23-92, July 23, 1992; effective Sept. 8, 1992; amended Aug. 29, 1997.)
- 110-4-3. Limit on maximum funding amount. The limitation on program costs set forth in K.S.A. 1996 Supp. 74-50,104(b), and amendments thereto, of the IMPACT act shall limit only the maximum funding amount for each qualified project and shall not limit the amount of

project costs which are to be paid from sources other than the IMPACT program services fund. (Authorized by K.S.A. 1996 Supp. 74-50,104, and implementing K.S.A. 1996 Supp. 74-50,104, 74-50,105; effective, T-110-3-27-92, March 27, 1992; effective, T-110-7-23-92, July 23, 1992; effective Sept. 8, 1992; amended Aug. 29, 1997.)

110-4-4. Enforcement of agreements by the secretary. Compliance with each agreement shall be enforced by the secretary. In order to facilitate enforcement by the secretary, each agreement shall either:

(a) include the department of commerce and housing as a party to the agreement with enforcement rights; or

- (b) name the department of commerce and housing as a third party beneficiary of the agreement with enforcement rights. (Authorized by K.S.A. 1996 Supp. 74-50,104, and implementing K.S.A. 1996 Supp. 74-50,104, 74-50,105; effective, T-110-3-27-92, March 27, 1992; effective, T-110-7-23-92, July 23, 1992; effective Sept. 8, 1992; amended Aug. 29, 1997.)
- 110-4-5. Compliance with K.S.A. 1996 Supp. 74-50,106(d), and amendments thereto. (a) Each employer receiving financial assistance through an MPI shall comply with K.S.A. 1996 Supp. 74-50,106(d), and amendments thereto. For purposes of complying with K.S.A. 1996 Supp. 74-50,106(d)(1), and amendments thereto, the employer shall make an investment in training and education of the employer's employees in each of the employer's fiscal years during the term of the agreement. The investment in each fiscal year shall be in excess of two percent of the employer's total payroll costs for the employer's immediately preceding fiscal year.

(b) Training and education expenditures which qualify for compliance with K.S.A. 1996 Supp. 74-50,106(d)(1), and amendments thereto, shall include those expenditures made for all necessary and incidental costs of pro-

viding any of the following:

(1) new jobs training, including training development costs;

- (2) adult basic education and job-related instruction;
- (3) vocational and skill-assessment services and testing;

(4) training materials and supplies;

(5) subcontracted services with educational institutions, private colleges or universities, or federal, state or local agencies;

(6) contractual or professional services; and

(7) wages paid to persons receiving education or training, but only for the periods during which the person is receiving classroom training. (Authorized by and implementing K.S.A. 1996 Supp. 74-50,104, 74-50,106; effective Aug. 29, 1997.)

Gary Sherrer Secretary of Commerce and Housing

State Corporation Commission

Permanent Administrative Regulations

Article 3.—PRODUCTION AND CONSERVATION OF OIL AND GAS

- 82-3-103a. Deviated holes; horizontal drilling; notice and hearing required. (a) The owner, operator, or persons responsible for a drilling operation shall submit written notice of the intention to drill for approval by the conservation division before the commencement of drilling operations, for any hole where intended deviation from the surface to the top of the producing formation exceeds 7°
- (b) Any hole drilled horizontally into a formation for production or deviated in the manner stated in subsection (a) may be permitted by the commission only after application to the conservation division and notice pursuant to K.A.R. 82-3-135a. The application may be set for hearing by the commission. (Authorized by K.S.A. 55-152; implementing K.S.A. 55-151; effective May 8, 1989; amended April 23, 1990; amended Aug. 29, 1997.)
- 82-3-120. Operator or contractor licenses: application, contents and approval; penalty. (a) No operator or contractor shall undertake the activities of drilling, completing, servicing, plugging, or operating any well for the purposes of exploring for or recovering oil or gas without first obtaining or renewing a current license. Each operator in physical control of any well, whether or not the well is shut-in, shall maintain a current license.

(b) The application for a license shall be verified and filed with the commission showing the following inform-

- (1) The name under which the applicant transacts or intends to transact business and the correct mailing address of that business. If the applicant is a partnership or association, the application shall set forth the name and address of each partner or member of the partnership or association. If the applicant is a corporation, the application shall contain the names and addresses of the principal officers;
 - (2) the number of rigs sought to be licensed;

(3) copies of property tax receipts on all rigs; and (4) any other information as the forms provided may

require.

(c) The application for a license shall be signed and verified by the applicant if the applicant is a natural person, by a partner or a member if the applicant is a partnership or association, or by an executive officer if the applicant is a corporation.

(d) Upon approval of the application by the commission, a license shall be issued to the applicant. Each license shall be in full force and effect for one year unless sus-

pended or revoked by the commission.

(e) Each licensee shall apply to renew the license

yearly.

(f) Each operator and contractor shall submit the following with each license or renewal application:

(1) a \$100 license fee;

(2) a \$25 fee for each rig;

(3) \$25 if operation is limited to one gas well used strictly for the purpose of heating a residence; and

(4) financial assurance as provided for in K.A.R. 82-3-

(g) Upon revocation of a license, no new license shall be issued to that operator or contractor until after the expiration of one year from the date of the revocation.

(h) Each licensee shall notify the conservation division in writing of any change in information supplied on the

license application.

(i) The failure to obtain or renew an operator or contractor license before operating is punishable by a \$500 penalty. (Authorized by K.S.A. 55-152; implementing K.S.A. 1996 Supp. 55-155, 55-164; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 8, 1989; amended April 23, 1990; amended March 20, 1995; amended Aug. 29, 1997.)

82-3-120a. Operator financial responsibility. On or after January 1, 1998, an operator license shall be issued only after compliance with the following provisions.

(a) Each operator meeting all of the following shall pay

annually a \$50 nonrefundable fee:

(1) Has an acceptable record of compliance, as demonstrated during the preceding 36 months, with commission rules and regulations and with commission orders. An acceptable record of compliance shall mean that the operator has neither been assessed by final order of the commission with \$3,000.00 or more in penalties nor has been cited by final commission order for five or more violations in the preceding 36 months; and

(2) has no outstanding undisputed orders or unpaid fines, penalties, or costs assessed by the commission and has no officer or director that has been or is associated substantially with another operator that has any such outstanding orders or unpaid fines, penalties, or costs.

(b) Each operator that has not been licensed for at least the preceding 36 months and each operator not meeting the requirements of section (a) shall furnish one of the

following on an annual basis:

(1) An individual performance bond or letter of credit, on forms prescribed by the commission, in an amount equal to \$.75 times the total aggregate depth of all wells for which the operator is responsible;

(2) a blanket performance bond or letter of credit on forms prescribed by the commission, in an amount equal

to the following:

(A) Wells fewer than 2,000 feet in depth: 1-5 wells, \$5,000; 6-25 wells, \$10,000; over 25 wells, \$20,000;

(B) wells 2,000 or more feet in depth: 1-5 wells, \$10,000;

6-25 wells, \$20,000; over 25 wells, \$30,000;

(3) a nonrefundable fee equal to 3% of the amount of the bond or letter of credit required by paragraph b(1) or

4) a first lien in favor of the state of Kansas on tangible personal property associated with the operator's oil and gas production, having a salvage value equal to not less than the amount of the bond or letter of credit required by paragraph b(1) or b(2); or

(5) other financial assurance approved by the commis-

sion.

- (c) Any operator furnishing financial assurance under paragraph b(1) of this regulation shall also furnish a complete inventory of wells and the depth of each well for which the operator is responsible. Operators furnishing financial assurance under pargraphs b(2), (3), (4), or (5) either shall furnish a well inventory or shall be required to furnish the \$30,000 bond, letter of credit, fee, or other financial assurance based on that amount. Falsification of the well inventory shall be punishable by a penalty of up to \$5,000 and possible suspension of the operator's license. (Authorized by and implementing K.S.A. 1996 Supp. 55-155 and 55-164; effective Aug. 29, 1997.)
- 82-3-123. Well bore; commingling of production.

 (a) Applicability. Commingling of production from more than one source of supply shall be permitted if the total production potential is less than the allowable for a single common source of supply for the immediate area and after application and approval by the commission. Commingling shall be prohibited if the commission finds that waste or a violation of correlative rights is likely to result.

(b) Allowable. The maximum well allowable for a well in which commingled production is approved shall be the

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(1) for oil wells, the allowable for the deepest source of supply demonstrating productivity as provided in K.A.R. 82-3-203 or special order; and

(2) for gas wells, 25% of the combined absolute open flow from all producing zones, with a minimum allowable of 150 mcfd or as provided by special order.

(c) Notice. Notice of the application shall be provided

as required in K.A.R. 82-3-135a(b).

(d) Application. Each original application for commingling and one copy shall be filed with the conservation division. The application shall be submitted to the commission on the form provided by the commission and shall be accompanied by the following information:

(1) A description of the well with a plat attached showing the location of the subject well, the location of other wells on the lease, the location of offset wells within a ½-mile radius of the subject well, and for each of these wells, the name of the lessee of record or the operator;

(2) the names of the upper and lower limits of the sources of supply to be commingled, with proposed per-

forations or open holes noted;

(3) a wireline log of the subject well;

(4) the production potential of oil, water, gas, or a combination for each source of supply;

(5) the total anticipated production for the formations sought to be commingled; and

(6) the applicant's license number.

(e) Application for additional sources of supply. A new commingling application shall be required if the operator desires to open an additional source of supply that was not included in the initial application. (Authorized by and implementing K.S.A. 1996 Supp. 55-604, K.S.A. 55-605, K.S.A. 55-704; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1985; amended May 1, 1987; amended May 8, 1989; amended April 23, 1990; amended Aug. 29, 1997.)

82-3-129. (Authorized by K.S.A. 1989 Supp. 55-604; implementing K.S.A. 1989 Supp. 55-176, 55-609; effective,

T-83-44, Dec. 8, 1982; effective May 1, 1983; amended April 23, 1990; revoked Aug. 29, 1997.)

82-3-130. Completion reports; penalty. (a) Within 120 days of the spud date or commencement of recompletion of a well, the operator shall file an original and two copies of an affidavit of completion with the conservation division, except as provided by subsection (b).

(b) If the time requirement for cementing the additional casing, pursuant to 82-3-106(c)(2)(B), is greater than 120 days, the time for filing the affidavit of completion

and two copies shall be extended accordingly.

(c) The affidavit of completion shall be filed regardless of the manner in which the well is completed or recompleted, including a well that is dry and abandoned. The affidavit of completion shall be submitted on forms furnished by the commission. The affidavit shall be accompanied by wireline logs of the well, if run. The failure to file the affidavit of completion within the time required shall be punishable by a \$500 penalty.

(d) Each operator shall attach legible documentation to the affidavit of completion, showing the type, amount, and method of cementing used on all casing strings in the wellbore. The documentation may consist of invoices/job logs, job descriptions, or other similar service company reports. (Authorized by and implementing K.S.A. 1996 Supp. 55-604, K.S.A. 1996 Supp. 55-164, effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1986; amended May 8, 1989; amended April 23, 1990; amended Aug. 29, 1997.)

- **82-3-136.** Transfer of operator responsibility. (a) If operator responsibility is transferred, the past operator shall report this transfer to the conservation division within 30 days of the change upon a form prescribed by the commission.
- (b) The past operator shall furnish a list of all active and inactive wellbores on the lease, unit, gas storage facility, or secondary recovery unit with the notice of transfer.
- (c) Transfers shall not be made to any individual, partnership, corporation, or municipality not currently licensed as an operator, gas gatherer, or gas storage operator.
- (d) Within 90 days of any transfer, the new operator shall change the tank battery identification sign provided for in K.A.R. 82-3-126 to show the new operator information.
- (e) Violations of this regulation shall be punishable by a penalty of up to \$1,000 for the first violation, \$2,000 for a second violation, and \$3,000 plus license review for a third violation. (Authorized by and implementing K.S.A. 1996 Supp. 55-604, and K.S.A. 55-704; effective May 1, 1985; amended Aug. 29, 1997.)
- **82-3-141.** (Authorized by and implementing K.S.A. 1989 Supp. 55-164, 55-604; effective May 1, 1988; amended April 23, 1990; revoked Aug. 29, 1997.)
- **82-3-304.** Tests of gas wells; penalty. (a) Initial certified tests run in conformance with K.A.R. 82-3-303 or special orders shall be filed with the commission within 60 days of the first gas sales. Tests shall be conducted

under the supervision of the conservation division whether a representative is present or not. In prorated fields, all gas produced into a pipeline shall be counted

against the allowable.

(b) Tests may be witnessed by a representative of any producer, purchaser, or transporter in the field. Any producer, purchaser, or transporter may request notification of the time the tests will commence from the operator of the well on which a test is to be run.

(c) An annual test shall be run on all gas wells not covered by a proration order or special order, in accordance

with these rules except for the following:

(1) gas wells used for domestic purposes where gas is not sold;

(2) gas wells that produce less than 150 mcf of gas per day:

(3) coalbed methane gas wells;

(4) water-prone gas wells equipped with a plunger lift;

(5) gas wells used exclusively for secondary oil recovery; and

(6) gas wells employing a vacuum to recover gas.

The test shall be effective during the next succeeding year. Tests may be required by the commission at any time. The test shall become effective the first day of the month following receipt of test results by the conservation division.

(d) The following gas wells shall not qualify for an ex-

emption from annual testing:

(1) gas wells that produce gas with more than 30 grains per 100 cubic feet of H₂S; and

(2) gas wells on which the operator has failed to submit

an open flow test.

(e) Each operator shall request the exemption from annual testing each year on forms prescribed by the commission, shall perform a shut-in pressure test during each year, and shall furnish it to the commission with the request for exemption.

(f) Each operator of a gas well shall be responsible for conducting all tests required to obtain an allowable for the well. Each operator shall submit one copy of the test required under subsection (c) to the conservation division and one copy to the purchaser to confirm the allowable as determined by these rules or by special orders.

(g) Any gas produced and sold without the required

test shall be considered illegal production.

- (h) The failure to submit an annual gas well test shall be punishable by a \$500.00 penalty. (Authorized by K.S.A. 55-704; implementing K.S.A. 1996 Supp. 55-164 and K.S.A. 55-703; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended April 23, 1990; amended Aug. 29, 1997.)
- **82-3-308.** (Authorized by and implementing K.S.A. 1982 Supp. 55-703; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; revoked Aug. 29, 1997.)
- **82-3-309.** (Authorized by and implementing K.S.A. 1982 Supp. 55-703; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; revoked Aug. 29, 1997.)
- **82-3-312.** Gas allowables and drilling unit. In the absence of basic proration orders issued by the commission, the following provisions shall apply to all gas wells.

(a) Standard daily allowable. The standard daily allowable for a gas well is limited to 25 percent of the well's actual open flow potential. All tested gas wells shall be entitled to a minimum allowable of 150 mcf per day. The actual open flow potential of each well shall be measured pursuant to K.A.R. 82-3-303.

(b) Standard drilling unit. A standard drilling unit shall be 10 acres. Except as otherwise provided by K.A.R. 82-3-108(c), the well for that unit shall be located at least

330 feet from any lease or unit boundary.

(c) Acreage-attribution unit. Unless a well location exception is granted, any gas well located nearer than 330 feet to any lease or unit boundary line shall have acreage attributed to it by the establishment of an acreage-attribution unit. The width of each unit shall be defined as being twice the distance from the well to the nearest lease or unit boundary line. The length of the unit shall be defined to be the same as the width.

(d) Acreage attributable. When any gas well is located nearer than 330 feet to any lease or unit boundary line, the standard daily allowable or minimum allowable shall be reduced in the same proportion that the acreage attri-

bution to the well bears to 10 acres.

(e) Exceptions may be granted, and adjustments to the allowables may be made by the commission to protect correlative rights, prevent waste, and give the full allowable where any of these conditions exists.

(1) Location exceptions have been granted for man-

made structures or topographic features.

(2) No interference with drainage of adjacent wells can

be shown by competent evidence.

- (3) Actual interference is less than the reduced allowable. (Authorized by K.S.A. 55-704; implementing K.S.A. 55-703; effective May 1, 1985; amended May 1, 1986; amended May 1, 1988; amended April 23, 1990; amended Aug. 29, 1997.)
- **82-3-313.** (Authorized by K.S.A. 55-604, 55-704; implementing K.S.A. 55-602, 55-603, 55-703, as amended by L. 1985, Ch. 183, Sec. 1; effective May 1, 1986; revoked Aug. 29, 1997.)
- **82-3-500.** (Authorized by and implementing K.S.A. 66-1,185; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; revoked Aug. 29, 1997.)
- **82-3-501.** (Authorized by and implementing K.S.A. 66-1,185; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; revoked Aug. 29, 1997.)
- **82-3-502.** (Authorized by K.S.A. 66-1,185; implementing K.S.A. 1986 Supp. 55-706, K.S.A. 66-1,185; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended, T-85-51, Dec. 19, 1984; amended May 1, 1988; revoked Aug. 29, 1997.)
- **82-3-503.** (Authorized by and implementing K.S.A. 66-1,185; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; revoked Aug. 29, 1997.)
- **82-3-504.** (Authorized by and implementing K.S.A. 66-1,185; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; revoked Aug. 29, 1997.)

Judith McConnell Executive Director

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the Kansas Register issue in which more information can be found. This cumulative index supplements the index found in the 1996 Supplement to the Kansas Administrative Regulations.

AGENCY 1: DEPARTMENT OF

A	GENCY 1: DEPARTMI ADMINISTRATIO	
Reg. No.	Action	Register
1-1-1	Amended	V. 15, p. 703
1-1-2	Revoked	V. 15, p. 704
1-1-3	Revoked	V. 15, p. 704
1-1-4	Revoked	V. 15, p. 704
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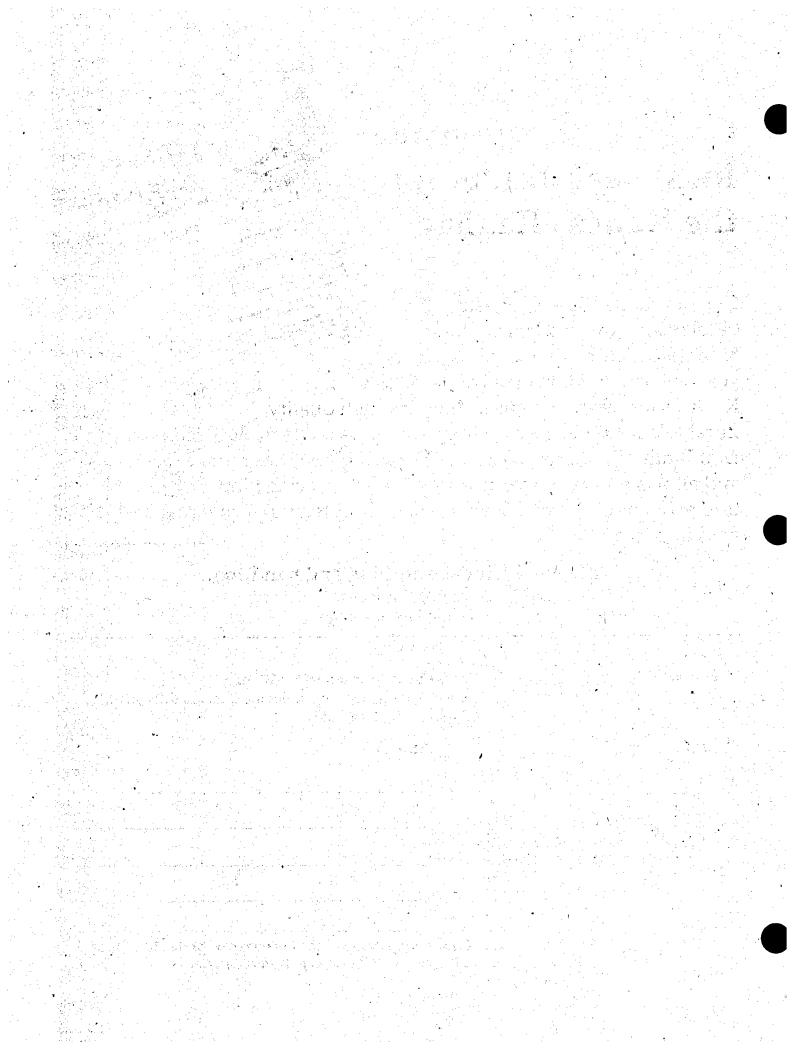
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